

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ESTATE OF HARDY VIA ELIJAH
RATCLIFF

§

§

CIVIL ACTION NO. 9:06cv133

v.

§

THE HOME DEPOT, INC.

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the Defendant's Motion to Dismiss be granted and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 27, 2006.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the Motion to Dismiss (document #8) is **GRANTED** and the complaint is **DISMISSED** with prejudice. It is further

ORDERED that Defendant's Motion to Quash Plaintiff's Rule 36 Request for Admissions to Defendant and Plaintiff's Rule 33 Interrogatories to Defendant Home Depot, Inc. (document #11) is **GRANTED**. It is finally

ORDERED that any motion not previously ruled on, with the exception of Defendant's pending Rule 11 Motion for Reimbursement of Costs and Expenses (document #15), is **DENIED**. Defendant's Rule 11 motion will be considered post-judgment after the response deadline has expired.

So **ORDERED** and **SIGNED** this **28** day of **September, 2006**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge